

# Notice of Allowability

Application No.

10/650,470

Examiner

Felix E. Suarez

Applicant(s)

BIRKETT ET AL.

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to response filed 08 February 2006.
2. ☒ The allowed claim(s) is/are 1-31.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Claims 1-31 are allowable.
2. The following is a statement of reasons for the indication of

allowable subject matter:

Claims 1-31 are allowable because the prior art, Yung et al. [U.S. Patent No. 6,909,974] (hereafter Yung) does not apply, Kwong [U.S. Patent No. 6,917,829] (hereafter Kwong) and Leighton [U.S. Patent No. 6,103,518] fail to teach or suggest a system for integrating biological instruments that acquire data from biological samples with analysis applications that analyze the data acquired from the biological samples, the system comprising:

an applications manager that communicates with both the analysis applications and the biological instruments wherein the applications manager has access to the registry and upon receiving instructions to have a biological instrument acquire data from selected biological samples and provide the sample data to selected analysis applications, the applications manager retrieves the protocol information from the registry and directs parameters to be configured for the biological instrument such that the data captured by the biological instrument is made available to the analysis application in a suitable format.

Yung does not apply, Kwong and Leighton also fail to teach or suggest a system for integrating a plurality of biological data instruments that obtain

electronic data from physical data samples with a plurality of discrete electronic data analysis applications, the system comprising:

an applications manager that communicates with the plurality of instrument components and plurality of discrete electronic data analysis applications, wherein the applications manager has access to the at least one registry and the plate data structure and includes an associated user interface such that a user can program a series of biological analyses by selecting the samples from the plate data structure, selecting the instrument from the registry to capture the electronic data from the physical data samples, and selecting the analysis applications from the registry to receive the electronic data, wherein additional instruments and additional analysis applications can be added to the system by registering the additional instrument component protocols and the additional analysis application protocols within the registry.

Yung does not apply, Kwong and Leighton also fail to teach or suggest a system for integrating a plurality of biological data instruments that obtain electronic data from physical data samples with a plurality of discrete electronic data analysis applications, the system comprising:

an applications manager that communicates with the plurality of instrument components and the plurality of data analysis applications via a standardized communications protocol, wherein the applications manager has access to the at least one registry and the data structure and includes an associated user interface such that a user can program a series of operations for

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performing a biological analysis via the user interface such that particular biological samples are processed by selected instruments and upon completion of the processing of samples the data can be made available to the data analysis application for analysis, and wherein the applications manager automatically makes the data available to the data analysis application by sending a standardized communications signal to the data analysis application protocol indicative of the location of the data.

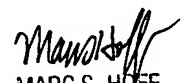
### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix Suarez, whose telephone number is (571) 272-2223. The examiner can normally be reached on weekdays from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on (571) 272-2216. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 for regular communications and for After Final communications.

April 3, 2006

F.S.

  
MARC S. HOFF  
SUPERVISORY PATENT EXAMINER  
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